C482 No. 227 of 2002

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant and the A.G.A.

This is a petition for quashing of the chargesheet- dated 19.3.2002 in case crime no. 274/2001 State Vs. Abid and others, u/s 147/148/452/504/506 I.P.C., P.S. Jaspur, district Udham Singh Nagar. The learned counsel for the applicant pointed out that there was cross version of the occurrence in which also the chargesheet has been submitted after investigation. Attention was drawn to the F.I.R. of the case filed on 1.8.2001 in which the applicant is named as one of the accused. Pointing to the statement of one of the witness, Mohd.Haroon, the gist of the argument of the learned counsel for the applicant is in tune with the maxim "falsus in uno falsus in omnibus." The witness had according to the learned counsel made false statement in regard to one part of the occurrence, hence he should be disbelieved in regard to the other part of the occurrence. The contention is against the principle of criminal jurisprudence which itself make the case untenable because even if the witness has not corroborated any part of the occurrence , it cannot for granted be taken that evidence in regard to other part of the occurrence is also false. Considering this, there is no ground to interfere with the proceedings and the petition is dismissed accordingly.

(Irshad Hussain, J.)

17.7.2002
M.P.S.